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EXAMINER

PITARO, RYAN F

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/035,800
Filing Date: December 28, 2001
Appellant(s): HERLE ET AL.

John Mockler #39,775
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/08/2007 appealing from the Office action mailed 10/17/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,509,913	Martin Jr. et al
6,324,693	Brodersen et al
6,544,295	Bodnar

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2,5-9,12-15,17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, Jr. et al ("Martin", Us 6509913) in view of Brodersen et al ("Brodersen", US6324693) in view of Bodnar ("Bodnar", US 6,544,295).

As per independent claim 1, Martin discloses a wireless communication device (Figure 2A item 216) comprising: a main controller capable of executing a basic

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operating system application program that operates communication functions of said wireless communication device and that controls a first graphical user interface (Column 4 lines 39-49) for interacting with a user (Column 4 lines 44-49); and a memory, within the wireless communication (Figure 4) coupled to said main controller capable of storing first GUI configuration file (Column 5 lines 26-31) and second GUI configuration file (Figure 3b item 366, Column 11 lines 9-12), wherein said first GUI configuration file contains first GUI parameter text names and a corresponding plurality of data comprising at least one of: sounds, graphical and menu hierarchy associated with said first graphical user interface (Column 6 lines 18-27), and said second configuration file contains second GUI parameter data comprising second plurality of text names and a corresponding plurality of data comprising at least one of: sounds, graphical images, text, menu options and a menu hierarchy associated with a second graphical user interface (Column 6 lines 18-27). However, Martin fails to distinctly point out validating the two configuration files. However, Brodersen teaches a method wherein said main controller is operable to validate said second parameter data by comparing a first text name checksum value associated with said first GUI configuration a second text name checksum value associated with said second GUI configuration file (Column 17 lines 51-60). Therefore, it would have been obvious to an artisan at the time of invention to combine the method of Martin with the teaching Brodersen. Motivation to do so would have been to prevent inadvertently applying changes that are not supported. Martin-Brodersen fail to distinctly point out calculating a checksum only from a plurality of text names. However, Bodnar teaches a checksum calculated from only a plurality of text

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names (Column 24 lines 6-33, Column 25 lines 36-43). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Bodnar with the device of Martin-Brodersen. Motivation to do so would have been to provide an actual checksum derived from the HTML.

As per claim 2, which is dependent on claim 1, Martin-Brodersen-Bodnar discloses a device wherein said main controller replaces at least a portion of said first GUI parameter data with said second GUI parameter data in response to a determination that said first and second text name checksum values are equal (Brodersen, Column 18 lines 54-60).

As per claim 5, which is dependent on claim 2, Martin-Brodersen-Bodnar discloses a device wherein said first GUI configuration file is a system default GUI configuration file (Martin, Column 7 lines 19-29).

As per claim 6, which is dependent on claim 2, Martin-Brodersen-Bodnar discloses said wireless communication device being a cellular telephone handset (Martin, Column 1 lines 19-21).

As per claim 7, which is dependent on claim 2, Martin-Brodersen-Bodnar a device wherein said wireless communication device is a personal digital assistant (PDA) device (Martin, Column 1 lines 19-21).

Claim 8 is similar in scope to that of claim 1, and is therefore rejected under similar rationale.

Claim 9 is similar in scope to that of claim 2, and is therefore rejected under similar rationale.

Claim 12 is similar in scope to that of claim 5, and is therefore rejected under similar rationale.

Claim 13 is similar in scope to that of claim 6, and is therefore rejected under similar rationale.

Claim 14 is similar in scope to that of claim 7, and is therefore rejected under similar rationale.

Claim 15 is similar in scope to that of claim 1, and is therefore rejected under similar rationale.

As per claim 17, which is dependent on claim 2, Martin-Brodersen-Bodnar discloses a device wherein the second GUI configuration file is a service provider GUI configuration file (Martin, Column 5 lines 9-60).

As per claim 18, which is dependent on claim 17, Martin-Brodersen-Bodnar discloses a device wherein the second GUI configuration file is downloaded to the wireless communication device (Martin, Column 5 lines 9-60)

Claim 19 is similar in scope to that of claim 17, and is therefore rejected under similar rationale.

Claim 20 is similar in scope to that of claim 18, and is therefore rejected under similar rationale.

Claim 21 is similar in scope to that of claim 17, and is therefore rejected under similar rationale.

Claim 22 is similar in scope to that of claim 18, and is therefore rejected under similar rationale.

(10) Response to Argument

a) The Appellant argues that Martin fails to teach a first plurality of text names and a corresponding plurality of data elements, and Bodnar does not describe calculating a checksum from only a plurality of text names.

b) The Appellant argues that the limitations of claim 2 have not been met.

c) The Appellant argues that the configuration file of Martin is not a default system configuration file.

The Examiner disagrees for the following reasons:

a) Martin points out the components, c1-c8, can be assigned locations as well as content to be displayed within each component. The contents for this component can be a menu list, a button, or an image, Since the screen configuration is provided by a markup or script language (Column 6 lines 19-21) we can deduce the format of a configuration file i.e. <tag> text </tag>, generically in its simplest form. The way Bodnar uses the checksum is not by checking the tags of the markup, but by checking the text or content of the markup. This is true for URLs, images, and other

HTML content. Bodnar does not simply check a component to see if it has changed but insures that the user is interested in the content as well as to alleviate the redundancy of notifying a user if only an advertisement has changed. Therefore the combination of Martin's components written in a markup language format teaching text names and Bodnar's calculating a checksum from those text names, teaches the limitations of claim 1.

b) The citation of Broderson should read Column 17 lines 54-60 as pointed out in claim 1, this was an inadvertent typographical error made by the Examiner, but should have been understood from the previous citation.

c) The GUI configuration file would first rely on all default internal files and would in fact be a default system configuration file if no components were updated i.e. first iteration.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Ryan Pitaro

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